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Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 L-03 CAB-09 CIAE-00 COME-00

DODE-00 INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 MC-02

TRSE-00 AEC-11 IO-13 AF-10 RSR-01 /097 W
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R 091141Z AUG 73
FM AMEMBASSY BONN
TO SECSTATE WASHDC 6760

C O N F I D E N T I A L BONN 11375

E.O. 11652: GDS
TAGS: ETRN, ESTC, RH
SUBJECT: CIVAIR - RHODESIA SANCTIONS, BOEING 707'S TO RHODESIA

REF: (A) STATE 141242; (B) BONN 9235

1. AT MEETING AUGUST 7 FONOFF REP (MERKEL, EAST AND SOUTH AFRICAN DESK) DECIDED AFTER ALL TO PERMIT EMB LEGAL ADVISER AND CAA TO BORROW REPORT OF FRG CUSTOMS AUTHORITIES IN FRANKFURT CONCERNING THE SUBJECT AIRCRAFT. REPORT CONTAINS 4 ENCLOSURES, ENCLOSURE 3 BEING THE PURCHASE CONTRACT. COPIES OF THESE DOCUMENTS FOR U.S. INTERNAL USE ONLY ARE BEING POUCHED BY DS-4 TO EB/OA/AVP AND ARE NOT REPEAT NOT TO BE MADE AVAILABLE TO UN AS FRG ITSELF DID NOT MAKE THEM AVAILABLE TO UN. ALSO BEING POUCHED IS COPY OF STATEMENT BY THE FRG SUBMITTED TO UN CONCERNING THIS AFFAIR, WHICH IS PROBABLY AVAILABLE TO USUN.

2. THERE FOLLOW REPLIES TO QUESTIONS CONTAINED IN PARA 2 OF REFTEL (A), INCLUDING SOURCE OF INFORMATION GIVEN IN THE PURCHASE CONTRACT:
(A) THE PURCHASE CONTRACT (KAUFVERTRAG) SIGNED AT BASEL APRIL 4, 1973 SHOWS "FIRMA CALAIR TF TRANSPORTFLUG - GMBH & CO. KG, REPRESENTED BY CALAIR TF TRANSPORTFLUG
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- GMBH, IN TURN REPRESENTED BY HERMANN DOERR, EXECUTOR

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APPOINTED BY THE DISTRICT COURT IN WIESBADEN ON FEBRUARY 21, 1973" AS THE OWNER AND VENDOR OF TWO PLANES, BOEING MODEL 707-720/025'S, WITH MARKINGS D-ACIS AND D-ACIT. (SEE PREAMBLE).

(B) THE PURCHASER IS SHOWN AS "FIRMA JET AVIATION A.G." BASEL, SWITZERLAND, AIRPORT, REPRESENTED BY ATTORNEY AND NOTARY DR. PETER GLOOR AND DIRECTOR D. STENNER. (SEE PREAMBLE)

(C) NO INDICATION. HOWEVER, ACCORDING TO THE FONOFF REP, THE BELGIAN CREW WAS FOUND TO HAVE REQUESTED AUTHORITY TO FLY THE PLANES IN EUROPE AND AFRICA. THE INCLUSION OF "AFRICA" IS CONSIDERED BY THE FRG TO CONSTITUTE EVIDENCE TO SUPPORT FRAUD CHARGES.

(D) NO REFERENCE. FONOFF REP SAID THE FRG REGISTRATION BECAME INVALID UPON TRANSFER OF TITLE.

(E) AND (F) BOTH AIRCRAFT WERE ENCUMBERED BY A LIEN ENTERED IN THE REGISTER FOR LIENS OF THE DISTRICT COURT IN BRAUNSCHWEIG IN FAVOR OF THE PURCHASER AS THE LEGAL ASSIGNEE (OR SUCCESSOR) OF BOEING CO. IN SEATTLE USA, AMOUNTING TO $1,524,287.90 IN ADDITION TO 11 PERCENT ANNUAL INTEREST OF $720,000. A FURTHER LIEN WAS SHOWN IN THE REGISTER IN FAVOR OF THE SCHWEIZERISCHE BANK GESELLSCHAFT BUT THE BANK'S CONSENT TO HAVE THIS LIEN EXTINGUISHED WAS TENDERED TO THE PURCHASER. THE VENDOR SOLD AND TRANSFERRED TITLE TO BOTH AIRCRAFT TO THE PURCHASER FOR THE VALUE OF THIS DEBT AND INTEREST. AS CONSIDERATION, THE PURCHASER WAIVED ITS RIGHTS TO THESE AMOUNTS, AS WELL AS ITS RIGHTS UNDER THE LIEN IN THE SAME AMOUNT, THE VENDOR ACCEPTING THIS WAIVER ((SEE ARTICLE I, PARAS 4-6).

(G) NO MENTION.

(H) BOTH AIRCRAFT WERE STATED TO BE LOCATED IN THE IMMEDIATE POSSESSION OF THE PURCHASER AT THE AIRPORT BASEL/MULHOUSE SINCE MARCH 1972 (ART. I, PARA 2).

(I) THE CURRENT TECHNICAL CONDITION OF THE AIRCRAFT IS DESCRIBED AS KNOWN TO THE PURCHASER. ARTICLE II, PARA (2) ALSO STATES THAT THE PURCHASER KNOWS THE STATUS OF THE PROCEDURE FOR TEMPORARY RE-REGISTRATION PENDING AT THE FEDERAL AVIATION BOARD IN BRAUNSCHWEIG. THE CONTRACT NOTES THAT CONSEQUENTLY THE SALE OF BOTH AIRCRAFT CONFIDENTIAL

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EXCLUDES ANY GUARANTEE. ACCORDING TO FONOFF REP, JET AVIATION ASSURED THE FRG AVIATION BOARD THAT THE PLANES WERE IN FLYABLE CONDITION; IN RELIANCE ON THAT STATEMENT, THE BOARD GRANTED AUTHORITY ON APRIL 9 FOR DEMONSTRATION FLIGHTS.
HILLENBRAND

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